

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
AT NASHVILLE

VINCENT E. ZIRKER,
Petitioner.

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Case No: 3:09-cv-00403
Judge Haynes, Jr.

v.

OCT 18 2010

UNITED STATES OF AMERICA, U.S. DISTRICT COURT
Respondent. MID. DIST. TENN.

REQUEST TO NUNC PRO TUNC THE ORIGINAL FILING DATE
BACK TO THE MOTION FOR DISCOVERY AND REQUEST FOR
COUNSEL TO CONDUCT DISCOVERY PURSUANT TO FED. R. CIV. P. & HABEAS RULE 6(a).

ONWARD
This motion
is DENIED
without prejudice
to filing by
Petitioner's
counsel

PETITIONER, Vincent E. Zirker, pro se, and ask this honorable court to grant discovery request pursuant to Habeas Rule 6(a), and Nunc Pro Tunc this filing back to the original filing date and ruling granting discovery and a attorney pursuant to 18 U.S.C. § 3006A. Petitioner also ask this court to construe this motion liberally than and attorney pursuant to Haines v. Kerner, 404 US 519(1972).

FACTS

Petitioner state he requested discovery in 2009, the court denied the motion and granted an attorney pursuant to 18 U.S.C. § 3006A, and ordered discovery to be granted. Petitioner state that he requested and docket sheet for the case number listed above. Petitioner state that he was unaware that counsel Mr. Edwards and Mr. Smith had been ordered to respond to the Inneff-
ective Assistance Counsel claims petitioner argued in his § 2255, Motion To Vacate, Set Aside, Or Correct Sentence. Petitioner state that he reviewed the docket sheet and saw an entry for Declaration for Mr. Edwards and Mr. Smith dated for 10-22-09, for which he requested for copies of their declarations. Petitioner state that he have just received the declarations from his attorney dated 10-22-09, and a letter dated September 23, 2010, petitioner received the declarations marked legal mail on October 5, 2010, almost a year

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